

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA

IN RE:)	
)	Case No. 08-05845
Rhoden, Joshua R.)	
Last Four Digits of SSN: 5003)	Chapter 13
Rhoden, Meredith Lynn)	
Last Four Digits of SSN: 6359)	DEBTORS' OBJECTION TO
)	CREDITOR'S CLAIM
)	
_____ Debtors)	

DEBTORS object to the proof of claim filed by MCAS Beaufort Federal Credit Union, in the amount of \$10,644.46.

DEBTORS contend that said creditor's claim should be allowed as unsecured without priority in the amount of \$10,644.46; Creditors supporting documents do not support entitlement to secured status.

WHEREFORE, Debtors move this Court to inquire into this matter and allow the claim of the above said Creditor as unsecured without priority in the amount of \$10,644.46.

Charleston, South Carolina
Dated: February 18, 2009

/s/ Elizabeth M. Atkins
Elizabeth M. Atkins, Esquire D.C.I.D. 4436
Attorney for Debtors
778 St. Andrews Boulevard
Charleston, SC 29407
Telephone: (843) 763-0333

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA

IN RE:)
) Case No. 08-05845jw
)
Rhoden, Joshua R.) Chapter 13
Last Four Digits of SSN: 5003)
Rhoden, Meredith Lynn) **NOTICE AND CERTIFICATE**
Last Four Digits of SSN: 6359) **OF MAILING**
)
Debtor)

PLEASE TAKE NOTICE that attached hereto is a copy of an Objection to Creditor's Claim and supporting Memorandum, the originals of which have been filed with the Clerk of Court. Debtor seeks to have the attached relief granted by the Court without the necessity of a further hearing.

A copy of the Motion and Proposed Order (Motion/Application) accompanies this Notice.

TAKE FURTHER NOTICE that any response, return and/or objection to this application, should be filed with the Clerk of the Bankruptcy Court, United States Bankruptcy Court, 1100 Laurel Street, Columbia, SC 29201, no later than thirty days from service of motion/application and a copy simultaneously served on all parties in interest.

TAKE FURTHER NOTICE that no hearing will be held on this Notice unless a response, return and/or objection is filed within thirty days and served, in which case, the Court will conduct a hearing on **APRIL 9TH, 2009 at 9:00 A.M.**, at 145 King Street, Room 225, Charleston, South Carolina. No further notice of this hearing will be given.

Charleston, South Carolina
Dated: February 18, 2009

/s/ Elizabeth M. Atkins

Elizabeth M. Atkins, Esquire D.C.I.D. 4436
Attorney for Debtor
778 St. Andrews Boulevard
Charleston, SC 29407
Telephone: (843) 763-0333

CERTIFICATE OF MAILING

I HEREBY CERTIFY that I have mailed a copy of the Debtors' Objection to Creditor's Claim and a copy of the Memorandum in Support of Objection to Claim, dated February 18, 2009, to the Trustee, James M. Wyman, Chapter 13 Trustee, P.O. Box 997, Mt. Pleasant, SC 29465-0997, via electronic transmission at PACER/ECF and MCAS Beaufort Federal Credit Union, Attorney or Manager, 2481 Trask Pkwy, Beaufort, SC 29906, this 18th day of February, 2009 with sufficient postage attached

BY: /s/ Mary M. Stone

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA

IN RE:)	
)	Case No. 08-05845jw
)	
Rhoden, Joshua R.)	Chapter 13
Last Four Digits of SSN: 5003)	
Rhoden, Meredith Lynn)	MEMORANDUM IN SUPPORT
Last Four Digits of SSN: 6359)	OF OBJECTION TO CLAIM
)	
)	
Debtor)	

Debtor herein has filed a Chapter 13 Petition and Plan, providing for payment of all allowed claims of Debtor. Debtor has objected to the claim filed by MCAS Beaufort Federal Credit Union, in the amount of \$10,644.46, which it asserted was entitled to secured status.

11 U.S.C. §502(a) provides that "[A] claim or interest proof of which is filed under §501 is deemed allowed, unless a party in interest . . . objects"

Section 502(b)(1) provides that the Court may disallow a claim if "such claim is unenforceable against the Debtors and property of the Debtors, under any agreement or applicable law for a reason other than because such claim is contingent or unmatured."

Debtors' claim asserts that creditors claim is unenforceable as secured claim since the supporting documents do not support entitlement to secured status.

Therefore, Debtor objects to the claim of Creditor and request that the claim be reduced to unsecured without priority in the amount of \$10,644.46.

Charleston, South Carolina
Dated: February 18, 2009

/s/ Elizabeth M. Atkins

Elizabeth M. Atkins, Esquire D.C.I.D. 4436
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